

INVENTORY OF DUTIES OF UNITED STATES MAGISTRATE JUDGES MIDDLE DISTRICT OF ALABAMA

1. **Introduction.** This inventory sets forth in summary fashion the present duties and responsibilities of the Magistrate Judges in this District.¹ It is important to emphasize that these duties and responsibilities are not just those which the District's Magistrate Judges could perform or fulfill; rather, these duties and responsibilities are performed and fulfilled by the Magistrate Judges of this District, often on a daily basis.² Thus, the goal of this District is full utilization of Magistrate Judges to the maximum extent possible "providing needed assistance to district judges in the disposition of civil and criminal cases."³

2. **General Information.**

- A. General statutory authority of a Magistrate Judge is set forth in 28 U.S.C. § 636.
- B. Pursuant to 28 U.S.C. § 636(c) and the consent of parties in a civil case, a Magistrate Judge exercises full authority to decide and dispose of any civil case, appeal of which is to the Eleventh Circuit Court of Appeals.
- C. Pursuant to 28 U.S.C. § 636(e), a Magistrate Judge has limited contempt authority.
- D. Upon the consent of a criminal misdemeanor defendant, a Magistrate Judge has authority to conduct all proceedings in misdemeanor cases and sentence a convicted misdemeanor defendant to a term of imprisonment of not more than one year, a fine of not more than \$100,000.00 or both.
- E. Magistrate Judges have jurisdiction over petty offense without the consent of the defendant and may impose a term of imprisonment of up to six months.
- F. As set forth in more detail below, in all other instances and dependent upon the nature of the matter, a Magistrate Judge has either final, dispositive authority or authority to hear and recommend to a District Judge the disposition of matters before the court.
- G. A Magistrate Judge is authorized one secretary and one law clerk. In lieu of a secretary, a Magistrate Judge may hire a second law clerk.

3. **Magistrate Judge Duties & Responsibilities.**

A. Criminal - Felony, Misdemeanor and Petty Offense⁴.

1. Complaints, Warrants, Seizure, and Disclosure of Information

- a. Issue Criminal Complaints and Arrest Warrants.
- b. Issue Search Warrants.

¹Except for mediation only judicial duties are addressed. Each Magistrate Judge enjoys and for some time has enjoyed significant administrative responsibility delegated by the Chief Judge. These responsibilities are not set forth in this inventory.

²For example, Magistrate Judges have authority to conduct extradition hearings. Because the Magistrate Judges of this District do not routinely perform this duty, it is not listed.

³In 1990 the Federal Courts Study Committee emphasized that the role of Magistrate Judges should continue to be flexible and tailored to the specific caseload needs of each district court.

⁴Misdemeanor and petty offense cases arise from Maxwell Air Force Base, Fort Rucker, Veterans Administration Hospital property and National Parks. The Magistrate Judges handle these responsibilities on a rotation system.

- c. Authorize installation of pen registers.
- d. Order disclosure of telephone toll records.
- e. Issue Administrative, search, inspection or seizure warrants.
- f. Seal documents and orders as required.

2. Pre-Trial Proceedings

- a. Conduct initial appearances pursuant to FED.R.CRM.P. 5.
- b. Appoint counsel for indigent defendants pursuant to 18 U.S.C. § 3006A.
- c. Determine bail and conditions of pretrial release pursuant to the Bail Reform Act, 18 U.S.C. § 3141 *et seq.*
- d. Conduct detention hearings and order detention of defendants pursuant to the Bail Reform Act, 18 U.S.C. § 3141 *et seq.*
- e. Order pursuant to 18 U.S.C. § 4241 *et seq* pretrial psychiatric or psychological examinations and conduct competency hearings to make recommendations about a defendant's competency to stand trial.
- f. Conduct pursuant to FED.R.CRM.P. 5.1 and 32.1 preliminary hearings and determine probable cause.
- g. Accept return of grand jury indictments (felony only).
- h. Conduct proceedings under FED.R.CRM.P. 40.
- i. Conduct proceedings under FED.R.CRM.P. 20.
- j. Manage and dispose of nondispositive, pretrial motions.
- k. Conduct arraignments.

3. Felony Criminal.

- a. Upon consent of defendant, accept pursuant to FED.R.CRM.P. 11 guilty pleas and adjudicate guilt.
- b. Conduct hearings and recommend disposition of motions to suppress, motions to sever, motions to dismiss and all other pretrial dispositive motions.
- c. Upon consent of parties, select jury in a felony case.
- d. Consider, hear and recommend disposition of motions filed pursuant to 28 U.S.C. § 2255.⁵

4. Misdemeanor and Petty Offense Criminal⁶

- a. Try and dispose of all jury and non-jury cases.
- b. Hear and dispose of *all* pretrial and post-trial motions
- c. Take guilty pleas.
- d. Impose sentence
- e. Hear and determine revocation of probation or supervised release.

⁵These motions are collateral attacks on criminal convictions which may be filed after a defendant's direct appeal has been decided. These type cases generally involve constitutional challenges to the validity of a conviction and often involve allegations that defense counsel was ineffective.

⁶The responsibilities listed in this section may be carried out upon the consent of the defendant. It is rare in a misdemeanor case for a defendant to withhold consent. If consent is not given, the authority of the Magistrate Judge is identical to the authority in felony cases.

B. Civil Consent Cases

1. General Civil Cases.

- a. Magistrate Judges exercise full consent authority pursuant to 28 U.S.C. § 636. A full explanation of the process may be found at the court's website at <http://www.almd.uscourts.gov/Web%20Orders%20&%20Info/Consent%20Procedures.htm>.
- b. Upon the consent of the parties, the Magistrate Judges exercise full dispositive authority with respect to a case. The authority is coextensive with that of a District Judge.
- c. The Magistrate Judges now have a significant civil consent case load in addition to their other responsibilities.

2. Social Security Cases.⁷

- a. Determine IFP status.
- b. Enter procedural orders to obtain administrative record and briefs.
- c. Consider administrative record and parties' briefs and affirm, remand, or reverse with award of benefits.⁸
- d. Determine disposition of motions for attorney fees.

C. Civil, Non-Prisoner - Non-Consent⁹

1. Consider, hear and dispose of *all* pre-trial motions filed pursuant to FED.R.CIV.P. 26-37, as well as some other nondispositive, pretrial motions.
2. Non-prisoner, pro se litigant cases by policy are referred to the assigned Magistrate Judge for pretrial management and the resolution of all pretrial motions including dispositive motions.
3. Complex case assistance - in multi-party, complex cases such as desegregation cases, Title VII cases involving state agencies and similar cases, Magistrate Judges are often designated to provide assistance to a District Judge with respect to separable issues arising in the case.

⁷These cases involve claimants who challenge the administrative determination of the Secretary of Health and Human Services that the claimant is not entitled to disability benefits or supplemental security income benefits.

⁸Under procedures put in place several years ago, the United States and the plaintiff in these cases almost always consent to the jurisdiction of a Magistrate Judge. If consent is not given, the Magistrate Judge conducts a review of the case and recommends final disposition to the District Judge.

⁹A civil case assigned to a District Judge is also assigned on a referral basis to a Magistrate Judge who is responsible for disposition of all discovery and some other types of pretrial, nondispositive motions.

D. Prisoner Civil Rights and Habeas Corpus Cases.¹⁰

1. Consider and determine IFP applications.
2. Consider and determine partial filing fee requirement.
3. Consider and recommend dismissals under 28 U.S.C. § 1915(d) or Rule 4, *Rules Governing Section 2254 Cases in the United States District Courts*.
4. Consider and determine whether to require
 - a. further information before further processing complaint
 - b. additional or revised pleadings to conform to the *Federal Rules of Civil Procedure*, *Rules Governing Section 2254 Cases in the United States District Courts* or local rules.
5. Establish procedures for the effective management of prisoner cases and enter orders of procedure.
6. Manage and control discovery and other pre-trial motions.
7. Consider, hear and recommend disposition of motions for preliminary injunctive relief.
8. Consider, hear and recommend disposition of dispositive motions.
9. Hold non-jury evidentiary hearings and recommend findings and conclusions of law for final disposition of case.
10. Initially consider any objections to a recommendation to determine if new grounds or other post-trial matters should be considered.

E. Death Penalty Cases. Each death penalty case is assigned to a District Judge and a Magistrate Judge. The Magistrate Judge is responsible for preliminary proceedings including establishing a briefing schedule and for resolution of discovery issue.

F. Mediation. Each Magistrate Judge is involved in a significant amount of mediation in non-prisoner civil cases. Preparation for and conduct of a mediation session usually occupies a full day of Magistrate Judge time. Approximately 15 to 20 per cent of a Magistrate Judge's time is now spent on mediation.

G. Miscellaneous Duties.

1. Justification of judgment debtors
2. Preside at Naturalization ceremonies on rotating basis.

¹⁰Many of the responsibilities set forth in this section are initially carried out by the *Pro Se* Law Clerks of the District subject to the supervision of the Magistrate Judges.